

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

Honorable Joseph R. Goodwin
MDL No. 2327

PRETRIAL ORDER # 322
ORDER ESTABLISHING QUALIFIED SETTLEMENT FUND AND APPOINTING
ADMINISTRATOR

Upon motion of Meshbesh & Spence, Ltd. (“Meshbesh & Spence”), as counsel for certain Plaintiffs in this MDL 2327, requesting the Court to enter an Order establishing a qualified settlement fund pursuant to Internal Revenue Code § 468B and Treasury Regulations § 1.468B-1 *et seq.* and appointing an administrator for the purpose of facilitating the settlement of certain tort claims against Ethicon Inc. and other defendants (“*Ethicon*”) relating to alleged personal injuries arising from Ethicon pelvic mesh products, to which Ethicon does not object, and for good cause shown, it is hereby **ORDERED**:

1. The Unopposed Motion [ECF No. 6889] is **GRANTED**.
2. The Meshbesh TVM Qualified Settlement Fund (“*QSF*”) is established as a qualified settlement fund within the meaning of Internal Revenue Code § 468B and Treasury Regulations § 1.468B-1 *et seq.* by Order of this Court and shall remain subject to the continuing jurisdiction of this Court until its purposes have been accomplished and the QSF is dissolved.
3. The Garretson Resolution Group, Inc. (“*GRG*”) is appointed as the administrator (“*Administrator*”) of the QSF. The Administrator shall serve without bond.

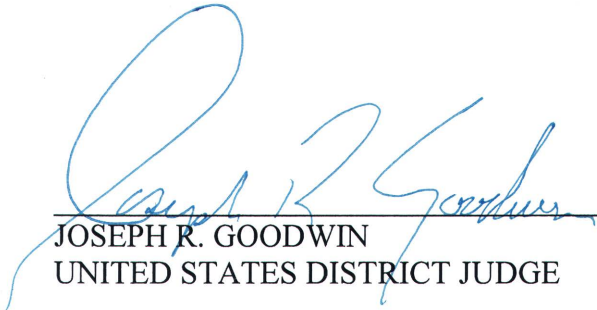
4. J.P. Morgan Chase Bank, N.A. is approved as Escrow Agent, subject to the terms of an Escrow Agreement, as agreed to between and among Johnson & Johnson & Ethicon, Inc., Meshbeshier & Spence, GRG and J.P. Morgan Chase Bank, N.A.

5. The Administrator shall have the authority to conduct any and all activities necessary to administer the QSF and shall administer the QSF in accordance with the terms, conditions, and restrictions set forth in the Motion, Confidential Settlement Agreement dated as of May 4, 2018, as it may, from time to time, be amended (the “*MSA*”), and the Escrow Agreement to be entered into between and among Meshbeshier & Spence, GRG, and J.P. Morgan Chase Bank, N.A.

6. The Administrator is authorized, upon final distribution of all monies paid into the QSF and allocated to Plaintiffs, to take appropriate steps to wind down the QSF, and thereafter shall be discharged from any further responsibility with respect to the QSF.

The court DIRECTS the Clerk to file a copy of this order in 2:12-md-02327 and it shall apply to each member related case. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsc.uscourts.gov.

Enter: November 27, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE